

# Strategies for Success

## *Wetlands Training Workshop for Consultants*

December 6, 2007



Please Note: This presentation is for a training workshop only and is not meant to be a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.

# **Request for Regulatory Applicability**

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# Background and Purposes

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- Formal, but flexible, quick and simple, procedure to determine if permit needed
- Professional services not (typ.) required
- Primary objectives
  - Exempt activities
  - Activities on developed property
  - Small projects where edges are known AND work is not adjacent to regulated areas
- Trial period

# Requirements

- Separate application form
- Drawing showing key features
- Write-up of work proposed and measures to avoid impacts
- Photos

To Print RRAP Form Only, Push This Button, Set Page Range to 6-7

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF WATER RESOURCES-FRESHWATER WETLANDS PROGRAM**  
235 Promenade Street, Providence, RI 02908  
Telephone: 401-222-6820, Telecommunication Device for the Deaf: 401-222-4462

**REQUEST FOR REGULATORY APPLICABILITY FORM**

Please type or print \_\_\_\_\_

**PART A Purpose of Application**

Use this application form only if you desire confirmation that your proposed project does not require a permit under the Freshwater Wetlands Rules. (see Rules 5.02, 7.01, 7.02 and 8.04 for a description of application types, submittal requirements and application outcomes.) Please be informed that many projects or activities occurring outside of wetlands may directly or indirectly alter the character of wetlands. Applicants proposing development in undisturbed areas in or near wetlands should use the Request for Preliminary Determination (Rule 9) and General Application Form to obtain a suitable determination in cases where applicability of the Freshwater Wetlands Rules is likely.

**PART B Applicant Information**

• Name of Applicant (see Rules 7.02): \_\_\_\_\_  
*Note: The applicant must be the owner of the property or assentant which is the subject of this application or must be the government agency or entity with power of condemnation over such property or assentant.*

• Mailing Address of Applicant:

\_\_\_\_\_  
Street/Road P.O. Box

\_\_\_\_\_  
City/Town State Zip Code Telephone No.

• Location of Property subject to this Application: (if different from mailing address):

\_\_\_\_\_  
City/Town Street Abutting Side Street address number (if applicable)

Nearest street intersection and its distance and direction from site

Nearest utility pole number(s): \_\_\_\_\_ Direction to site from abutting street: N \_\_\_\_\_ S \_\_\_\_\_ E \_\_\_\_\_ W \_\_\_\_\_

Tax Assessor's Plat(s) and Lot No (s): \_\_\_\_\_

Recorded Plat (s) and Lots No (s) (if no Tax Assessor Plat and Lots available): \_\_\_\_\_

**PART C General Information and Checklist**

☐ Any previous application for this site? Yes \_\_\_ No \_\_\_ Provide Application No (s) \_\_\_\_\_

☐ Any previous enforcement action for this site? Yes \_\_\_ No \_\_\_ Provide File No(s) \_\_\_\_\_

☐ Fee Enclosed - \$150.00 made payable to the General Treasurer of Rhode Island. Check No \_\_\_\_\_

☐ Attach 3 copies of plan illustrating the current and proposed conditions of the property and location of wetlands

☐ Attach written project description including purpose, size, and area(s) on the property where project is proposed

☐ Attach photograph(s) of the current site conditions where work is proposed

# What DEM will do

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- Send confirmation of receipt
- Check for application completeness
- Check past files or any violations
- May visit site (unusual) or call applicant or professional
- No deficiencies are issued
- Issue decision in writing on application form, with comment as appropriate

# Experience thus far

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- 14 applications
  - 6 successful
  - 5 not successful
  - 3 captures activity not likely to have applied
- Examples of success
  - DOT project - added CB to eliminate ice condition
  - Replacement of dwelling near pond on existing foundation
  - Enclosure of porch on a deck, no foundation work
  - Rebuilding of walkways in city park near pond



# Experience thus far (cont'd)

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- Examples of failure
  - Subdivision of land
  - DOT project installing CBs off-roadway in perimeter wetland
- Warning!!!
  - WYSIWYG?
    - What you SUBMIT is what you get – meaning, the more complete and accurate the info provided, the more value in the decision; in other words, if part of the proposed work is not described or detailed, or the submission is in error, the decision may be worthless or invalid.

# Summary

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- New process to help catch the easy work
- Confirmation and assurances for property owner
- Refinements may be expected
- Check regularly for updates to form
- Questions?

